

# **EXHIBIT E**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LINDA J. BLOZIS )  
v. )  
Plaintiff, ) Civil Action  
MELLON TRUST OF DELAWARE, NATIONAL ) No. 05-891 SLR  
ASSOCIATION, a Pennsylvania )  
corporation; MELLON BANK, NATIONAL )  
ASSOCIATION (formerly Mellon Bank )  
(DE) NATIONAL ASSOCIATION, a )  
Pennsylvania corporation; and )  
MELLON FINANCIAL CORPORATION, a )  
Pennsylvania corporation, )  
Defendants. )

Deposition of BRENDAN MICHAEL GILMORE taken  
pursuant to notice at the law offices of John M. LaRosa,  
Two East 7th Street, Wilmington, Delaware, beginning at  
1:30 p.m., on Tuesday, December 19, 2006, before Eleanor  
J. Schwandt, Registered Merit Reporter and Notary Public.

## APPEARANCES:

JOHN M. LAROSA, ESQ.  
LAW OFFICE OF JOHN M. LAROSA  
Two East 7th Street  
Wilmington, Delaware 19801  
for the Plaintiff

STEPHANIE WILSON, ESQ.  
REED SMITH, LLP  
13 Main Street - Suite 250  
P.O. Box 7839  
Princeton, New Jersey 08543-7839  
for the Defendants

WILCOX & FETZER  
1330 King Street - Wilmington, Delaware 19801  
(302) 655-0477  
www.wilfet.com



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 which was a wholly-owned subsidiary of Mellon, which  
2 ultimately changed its name to Mellon Private Asset  
3 Management of California. I'm sorry if there is so many  
4 different titles. And I was responsible for the offices  
5 in Los Angeles and Newport Beach, and also, well, San  
6 Francisco too.

7 Q. Approximately how long did you work in  
8 California?

9 A. Three years.

10 Q. And then did you receive any additional  
11 promotions or transfers at that point?

12 A. I was subsequently -- after that time I was  
13 transferred back east, and I managed a group in  
14 Philadelphia, the Delaware office and the Washington,  
15 D.C. office.

16 Q. When did you begin managing those three offices?

17 A. About 19 -- late '97, I believe, early '98.

18 Q. And is that your current position or have you  
19 since been promoted or transferred to another position?

20 A. My job -- I have received additional -- different  
21 responsibilities and promotions. I'm a senior director.  
22 I do not -- I now am -- I'm the Senior Investment Officer  
23 for the Mid-Atlantic Region and Director of Alternative  
24 Investments.



1                   And I have other functional -- I'm on the  
2 investment policy committee, Mellon's investment strategy  
3 committee.

4           Q. When did you become a senior director, to the  
5 best of your recollection?

6           A. I guess, let's see, 2003.

7           Q. When you managed the three offices in  
8 Philadelphia, Delaware and Washington, D.C. --

9           A. Yes.

10          Q. -- beginning in late '97 or early '98,  
11 approximately how long did you do that?

12          A. Sometime around '93, maybe '92. Late '92, early  
13 '93 I believe is when they asked me to take on different  
14 duties.

15          Q. You mean 2003?

16          A. Yes. I'm sorry. What did I say?

17                MS. WILSON: 1993.

18                THE WITNESS: I'm sorry, 2003.

19           BY MR. LAROSA:

20          Q. So some time in the first half of 2003, you think  
21 that's when you --

22          A. I would say it was either the fall of 2002, you  
23 know, maybe October -- October/November, or January of  
24 2003, right about that time. This is '06 --



1 Q. Well, to the best of your recollection?

2 A. It was either January '03 or January of '04. I'm  
3 a little unclear about that.

4 Q. It might be January '04, but you are not  
5 positive?

6 A. Yes, right.

7 Q. When you managed those three offices in  
8 Philadelphia, Delaware and D.C., where were you  
9 stationed?

10 A. Philadelphia.

11 Q. Prior to that you were in California?

12 A. I was in Los Angeles. That's where the office  
13 was I worked out of, although I had responsibilities for  
14 other regions.

15 Q. When you became a senior director, you think that  
16 was January of 2003 or January of 2004, approximately?

17 A. Yes.

18 Q. And where did you work when you became a senior  
19 director?

20 A. Philadelphia. I've always officially been  
21 located in the Philadelphia office since I've come back  
22 from California.

23 Q. During your employment with Mellon were you  
24 familiar with a Mellon Trust of Delaware?



1 A. Yes.

2 Q. Did you have responsibilities for Mellon Trust of  
3 Delaware as well?

4 A. Yes.

5 Q. What were your responsibilities in connection  
6 with Mellon Trust of Delaware?

7 A. I managed the group of people in the Delaware  
8 office which worked for Mellon Private Asset Management.

9 Q. What is the relationship between Mellon Private  
10 Asset Management and Mellon Trust of Delaware?

11 A. Mellon Trust of Delaware is a wholly-owned --  
12 was -- is a wholly-owned subsidiary of Mellon Bank, NA,  
13 and Mellon Private Asset Management was the group that  
14 did the, serviced the high -- excuse me -- high-net-worth  
15 market, and so serviced the high-net-worth market in the  
16 Delaware/Washington region.

17 Q. Did Linda Blozis ever perform services for Mellon  
18 Trust of Delaware?

19 A. I don't know. I don't know the -- I don't know  
20 the technical answer to that.

21 She was an employee of Mellon Private Asset  
22 Management, and I suspect, I assume that within, as an  
23 employee in Delaware she was an employee of Mellon Trust  
24 of Delaware.



1 Linda Blozis, there was never any issues with her  
2 tardiness or attendance when she worked for Mellon; is  
3 that correct?

4 A. I don't know.

5 Q. Do you know what the qualifications of a  
6 portfolio assistant or portfolio administrator are?

7 A. You mean from an education standpoint or just  
8 from a --

9 Q. Education and otherwise, any qualifications.

10 A. I, I'm not sure what they were at the time she  
11 was employed. I believe that they have changed in  
12 subsequent years. What I mean -- well, should I go on  
13 and explain it?

14 MS. WILSON: If you feel you need to.

15 A. Never mind. I'd be speculating.

16 Q. So at some point the qualifications for portfolio  
17 administrator changed?

18 A. Yes.

19 Q. Do you remember when that was, approximately?

20 A. Well, the jobs were upgraded some time in the  
21 nineties. I'm not -- I would say mid-nineties perhaps.  
22 And at that time we also, we also gave the portfolio  
23 managers additional -- a raise.

24 Q. A raise and additional responsibilities?



1 A. Yes, all of them were given additional  
2 responsibilities, that's correct. The job was  
3 reclassified.

4 Q. And this reclassification, you believe that  
5 occurred in the mid 1990s?

6 A. Yes.

7 Q. I show you a document and ask that it be marked  
8 Gilmore 1.

9 (Gilmore Deposition Exhibit 1 was marked for  
10 identification.)

11 Q. Take a minute to read through that document.

12 A. Mm-hmm.

13 Q. Have you ever seen this type of form before?

14 A. Yes, I've seen them.

15 Q. I'll represent that this is a two-page document,  
16 MEL/BLOZ 454 and MEL/BLOZ 455. They appear to be two  
17 different dates, two different versions of the same  
18 document, is that fair to say, at two different points in  
19 time?

20 A. It would appear to be the case.

21 Q. What is this document referred to as or what is  
22 it called?

23 A. It says "Employee Profile/History" on the heading  
24 of the document.



1 Q. Have you seen these types of documents before?

2 A. I have seen, yes, these. Yes.

3 Q. And what does Mellon use these documents for?

4 A. It is a history of the employees, salary history,  
5 job history.

6 Q. In your capacity as managing the three offices,  
7 including the Delaware office, would you at any point  
8 during the year review employee profiles?

9 A. No. I can't think of why I would.

10 Q. You have seen this document for some of your  
11 employees?

12 A. I would assume all employees have this in their  
13 personnel file, myself included. It is a history of a  
14 person's employment with the firm. That's all it is.

15 Q. So I think you've told us that Mellon records  
16 salary history on this form?

17 A. Yes.

18 Q. And there is something in the middle of the page  
19 says "Job History" and then to the right of that it says  
20 "PERF RTG." Is that performance ratings?

21 A. Yes.

22 Q. And does Mellon also keep records of the  
23 performance ratings employees receive on their annual  
24 evaluations?



1 A. Not a history on the annual evaluations, no.

2 This would not be included in an annual evaluation.

3 Q. Right. Is this a summary of --

4 A. This is a summary of cumulative valuations, but  
5 the employee evaluation would be for a specific period of  
6 time only.

7 Q. And as far as other information on this document,  
8 calling your attention to the top right-hand page, does  
9 Mellon record the employee's birth date on the document?

10 A. I don't see a birth date.

11 Oh, yes, I do. Yes, there is a birth date,  
12 yes.

13 Q. And does Mellon also record an employee's age on  
14 the employee profile?

15 A. On this thing?

16 Q. Yes.

17 A. Yes, it does.

18 Q. Okay. And does Mellon also record an employee's  
19 marital status on this employee profile?

20 A. It is on this, this form, yes.

21 Q. And does Mellon also record an employee's race on  
22 the employee profile?

23 A. This one reflects race, yes.

24 Q. Does Mellon record an employee's gender on an



1 that.

2 Q. Was there a portfolio administrator in the  
3 Delaware office named Kathleen Agne?

4 A. Yes.

5 Q. Was she eventually discharged?

6 A. Yes.

7 Q. And who discharged her?

8 A. You mean who actually did it, or who had the  
9 meeting with her, or how was the decision arrived?

10 Q. Who made the decision?

11 A. The decision was made ultimately by senior  
12 management.

13 Q. Who was that?

14 A. Ultimately be my superior.

15 Q. Who was that?

16 A. And human resources together would have made  
17 that, come to that conclusion. At that time?

18 Q. Yes.

19 A. I believe his name was Doug Kloppenburg.

20 Q. What was his title?

21 A. He was the Manager for Private Asset Management  
22 in the Mid-Atlantic Region.

23 Q. Who was the HR person or persons?

24 A. HR rep in that area is Rosemary Thomas. But she



1 Q. And did he wind up interviewing Maria Bannister  
2 or Maria Dunlop?

3 A. I don't believe so.

4 Q. Did you interview Maria Bannister or Maria  
5 Dunlop?

6 A. Yes.

7 Q. At some point a decision was made that included  
8 you to hire Maria?

9 A. Yes.

10 Q. And that decision was approved by senior  
11 management?

12 A. Yes.

13 Q. Was that in approximately 2002?

14 A. I believe so. I don't know.

15 Q. Was there an individual named Frances Smith who  
16 worked for you at Mellon?

17 A. No, not to my knowledge.

18 Q. Was there anybody named Smith that worked for you  
19 out of the Delaware, Philadelphia or Washington, D.C.  
20 office?

21 A. I don't remember anyone named Smith working for  
22 me. I had a number of employees. I mean, I, I don't  
23 remember anybody by that name.

24 Q. Do you remember anybody by the name of Martha



1 Fetter?

2 A. Yes.

3 Q. What was her title?

4 A. She was a vice president.

5 Q. What was her function?

6 A. She was, when I came to Philadelphia and took  
7 responsibility for Delaware, she was responsible for the  
8 Delaware office. She was in charge of the Delaware  
9 office.

10 Q. At some point did she resign from Mellon?

11 A. Shortly after I came to the region she resigned,  
12 within I think six months.

13 Q. Did you replace her with someone else to fill the  
14 position?

15 A. Yes, yes.

16 Q. Who was that?

17 A. Bill Becker.

18 Q. Do you remember when that was?

19 A. 1998, thereabouts.

20 Q. Did Martha Fetter hold any other title other  
21 than vice president and being the person responsible for  
22 the Delaware office during the time she worked for you?

23 A. Not -- no.

24 Q. Did she ever take a step down to a lower



1 position?

2 A. Not to my knowledge.

3 Q. Are you familiar with a person named Linda  
4 Squirer?

5 A. Yes.

6 Q. What was her job title?

7 A. I think she was an assistant vice president.

8 Q. Where did she work?

9 A. In the Delaware office.

10 Q. Did she eventually resign her position?

11 A. Yes, she did.

12 Q. Do you remember when she was?

13 A. I would be speculating, but I believe it would  
14 have been about a year and a half later, after -- well,  
15 let me rephrase that. Perhaps late '99.

16 Q. Had she previously reported to Martha Fetters?

17 A. Yes.

18 Q. At the time her employment ended did she report  
19 to Bill Becker?

20 A. Yes.

21 Q. Are you familiar with a Robert Bell?

22 A. Yes.

23 Q. What was his title?

24 A. I believe he was assistant vice president also.

**W&F**

**WILCOX & FETZER LTD.**  
Registered Professional Reporters

1 this document?

2 A. Well, again, it is not the sole discretion of the  
3 manager to terminate an employee. It has to be done  
4 following a very clearly delineated format. And so,  
5 again, you know, this is ultimately -- I am the manager.  
6 Ultimately I assume responsibility for this as the  
7 manager. And so that's why it is addressed as me and  
8 mine.

9 But the expectations are the expectations of  
10 Mellon Private Asset Management and -- the minimum job  
11 expectations. They are not just my personal  
12 expectations. So in that regard I --

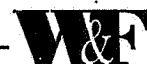
13 Q. With regard to Linda Blozis not meeting the  
14 expectations, Rosemary Thomas wouldn't have any input  
15 into whether or not substantively Linda Blozis was doing  
16 the job or meeting the expectations?

17 A. Human resources would have an opportunity to hear  
18 her side of the story and to make some judgments. So it  
19 is, again, not done in a vacuum. But as to whether or  
20 not she would have the professional expertise as to judge  
21 the quality of the work, that's a different story.

22 Q. That would be better left to --

23 A. The professionals.

24 Q. -- Linda Blozis' bosses?



Brendan Michael Gilmore

65

1 A. The professionals in Wealth Management.

2 Q. Including you?

3 A. Including me.

4 Q. Did you feel there was a problem with Linda  
5 Blozis with regard to attention to detail in her work?

6 A. Yes.

7 Q. Was that one of the reasons why her employment  
8 ultimately was terminated?

9 A. Among others.

10 Q. Can you read the last sentence of page 471, the  
11 second page?

12 A. "However, if your performance continues to not  
13 meet my expectations you may be subject to further  
14 corrective action, up to and including termination of our  
15 employment."

16 Q. Did you mean "her" employment?

17 A. I, yes, I -- I suppose that's a typo.

18 Q. Is that a detail that should have been corrected?

19 A. Well, I would have to ask if -- it is subject to  
20 interpretation. From the firm's standpoint, it may be  
21 our employment, meaning that it is a relationship.

22 Q. Well, were you talking about the termination of  
23 her employment?

24 A. Yes, we are clearly talking about her



1 any of our employees are asked to handle cash  
2 transactions.

3 Q. Was Laura Shannon ever asked to open new  
4 accounts?

5 A. Sure, she would participate in that function,  
6 absolutely.

7 Q. Was Laura Shannon asked to close terminated  
8 accounts?

9 A. She would also, again, if that were the case, she  
10 would be involved in -- that's a normal part of her job.

11 Q. Was Laura Shannon asked to arrange client  
12 meetings?

13 A. She could be. Again, that's a normal part of  
14 that job, that function.

15 MR. LAROSA: Why don't we take a five-minute  
16 break. I think I'm close to the end for the day.

17 (Recess taken.)

18 BY MR. LAROSA:

19 Q. Let's go back on the record. Just a few more  
20 questions and then we will be finished for the day.

21 A. Sure. Okay.

22 Q. During the time that Linda Blozis worked in the  
23 Delaware office there were no male portfolio  
24 administrators in the Delaware office; is that correct?



1 A. I believe that's correct.

2 Q. And there were no younger portfolio  
3 administrators in the Delaware office during the time  
4 Linda Blozis worked there?

5 A. I'm not sure.

6 Q. Kathy Agne may have been a portfolio  
7 administrator in the Delaware office who may have been  
8 older than Linda Blozis; is that correct?

9 A. That's a possibility. That's the reason for me  
10 not being sure.

11 Q. Aside from Kathy Agne, after she left there were  
12 no younger portfolio administrators in the Delaware  
13 office; is that correct?

14 A. Well, there were only two. There was Linda and  
15 then there was Marie -- Maria, I guess. And clearly  
16 Maria was younger than her. I don't know how old Maria  
17 was.

18 Q. Why was that clear or clearly?

19 A. Well, my guess is Linda would have probably  
20 been -- not Linda. Excuse me. Maria would probably have  
21 been about 30. I mean she, she wasn't -- she looked  
22 young. I mean, I, I don't know how --

23 Q. You could tell by looking at her?

24 A. I mean you could easily tell that one was



1 State of Delaware )

2 )

3 New Castle County )

4

5 CERTIFICATE OF REPORTER

6

7 I, Eleanor J. Schwandt, Registered  
8 Professional Reporter and Notary Public, do hereby  
9 certify that there came before me on the 19th day of  
10 December, 2006, the deponent herein, BRENDAN MICHAEL  
11 GILMORE, who was duly sworn by me and thereafter examined  
12 by counsel for the respective parties; that the questions  
13 asked of said deponent and the answers given were taken  
14 down by me in Stenotype notes and thereafter transcribed  
15 by use of computer-aided transcription and computer  
16 printer under my direction.

17

18 I further certify that the foregoing is a  
19 true and correct transcript of the testimony given at  
20 said examination of said witness.

21

22 I further certify that I am not counsel,  
23 attorney, or relative of either party, or otherwise  
24 interested in the event of this suit.

25 *EJSDV*

26

27

28

29

30

31 Eleanor J. Schwandt

32 Certification No. 125-RPR

33 (Expires January 31, 2008)

34

35 DATED:

36

37

38

39

40 **W&F**

41 WILCOX & FETZER LTD.  
42 Registered Professional Reporters